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May 13, 2025

BY ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Harrison v. Correctional Officer Hodge, et al.,
96-CV-1465 (PKC) (LB)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York, and the attorney representing Detectives Sanchez, Kennedy, and Mullhall in the above-referenced matter. I write pursuant to the Court's Order dated April 29, 2025 (ECF No. 93),¹ directing this Office to provide a status update by May 13, 2025, regarding: (1) whether Correction Officer Hodge is receiving and cashing his pension checks at the address provided by the New York City Employees' Retirement System ("NYCERS"); and (2) what additional efforts have been made to identify Correction Officer Steward.

Correction Officer Hodge

In response to the Court's subpoena, NYCERS provided contact information for CO Hodge at an out-of-state address. We can now confirm that CO Hodge continues to be responsive in updating his information with NYCERS and regularly completes required paperwork to maintain his pension. A contact at NYCERS has indicated that there are no notations in his file regarding mail being returned, suggesting that he continues to receive mail at the address they have on file.

However, our ongoing attempts to contact CO Hodge directly have been unsuccessful. A certified letter sent to the address provided by NYCERS was refused, with

¹ Your Honor's Order directed Mr. Futral to file a notice of appearance. However, Mr. Futral is awaiting admission to the Eastern District of New York and is handling this matter under my supervision. He may be reached directly at (212) 356-1643 or by email at mifutral@law.nyc.gov.

tracking information confirming that someone at the address actively declined to accept the correspondence. This refusal confirms that the address is occupied, although we cannot definitively confirm that CO Hodge himself is the current resident.

Public records confirm that CO Hodge appears to be the current owner of the property at the address NYCERS provided. Given these circumstances, we respectfully request permission to provide CO Hodge's current address to the Court *in camera* if the Court wishes to attempt service at his out-of-state address.

Correction Officer Steward

Pursuant to the Court's Order dated March 24, 2025 (ECF No. 87), we have conducted an exhaustive review of DOC personnel files for all Black male correction officers with the surnames Steward, Stewart, or Stuart who were employed by DOC in 1996. We are still awaiting one remaining file, but our comprehensive review of all other files has enabled us to narrow our investigation to three potential candidates. The remaining files contained information that definitively ruled out those individuals.

Among the three potential candidates, our investigation reveals that one was assigned to Kings County Hospital Prison Ward on the date of the incident, another was assigned to the Criminal Justice Bureau (which may have included hospital transport duties), and for the third, we could not conclusively determine the assignment from the personnel files. The officer assigned to Kings County Hospital appears to be the most likely candidate, though there are some discrepancies between this individual's physical characteristics and the descriptions previously provided by plaintiff.

We have obtained contact information for all three individuals from DOC and have made multiple attempts to reach them, including by cross-referencing information provided by DOC with public records to obtain up-to-date information. Unfortunately, to date, we have been unable to establish contact with any of these former officers.

At this juncture, given that we have reviewed virtually all available DOC records and the documentary evidence is not determinative, we believe that positive identification of "CO Steward" will ultimately depend on locating someone who personally remembers the incident in question and is willing to discuss it. This presents significant challenges given the nearly 30-year time lapse since the events alleged in the complaint. Nevertheless, we will continue our efforts to identify the "CO Steward" referenced in Plaintiff's complaint and to establish contact with them.

The City thanks the Court for its time and consideration of this matter.

Respectfully Submitted,

Joseph Zangrilli /s/

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